

From: Jobertito Cuaresma
To: Microsoft ATR
Date: 1/24/02 10:04am
Subject: Microsoft Settlement

To Whom It May Concern:

I am a network administrator from the University of Illinois, and I feel from a consumer and IT person point of view that the settlement does not adequately address the indiscretions of Microsoft properly. Because of the scope of the case, I will limit my complaint concerning the release of OSeS and Microsoft's practice of licensing/selling of software.

From the interpretation of the of settlements, there is no safe guards of Microsoft bundling software with their OS in the future. Although an OS can be released without certain programs installed, there is nothing stopping them from using the internet to install middleware software via automatic updating after its release. It is also my concern that there will not be an un-biased body that will be able to determine what part of the OS is not essential. For example, Microsoft claimed that Internet Explorer was essential to Windows 98 and cannot be uninstalled which ultimately killed Netscape as a competitor. For this to become fair and competitive, it will be necessary to define what parts make an OS and what are essential components. This decision and definition needs to happen from a group larger and outside of Microsoft.

Hence, the "free" bundling of MS products has given the company an unfair advantage over other competitors. Their business practices with computer venders have also prevented other OSeS to have the opportunity to prosper or dominate. Prior to Windows becoming standard (because there was no other real consumer alternative), companies that produce alternative OSeS such RedHat, Geoworks, and Dr Dos were not allowed to be distributed with new machines due to Microsoft's strict vendor agreements. Hence, Microsoft has a monopoly. From this monopoly, Microsoft does not have the benefit of competition to keep their pricing schemes and licensing practices in check. As already seen, while all other software and hardware vendors prices go down, Microsoft's prices have skyrocketed. Why is it that Microsoft Windows XP Home edition costs \$300 while the hardware capable of running it costs \$500 bundled? Since Microsoft makes much of it's money through vendor agreements and it's OS is pretty much the only choice for vendors, it does not need to be competitive in pricing with consumers. Due to the pricing scheme, consumers are forced to buy new machines bundled with Windows rather than buy the new OS and upgrade cheaply the few components.

Microsoft has made their 3 billion dollar a month profit from flexing their monopolistic power. Just last year, Microsoft has written to many businesses of their new higher pricing schemes, while also threatening to audit software compliance. With an economic recession occurring, it would be nice to finally have this case closed and everyone move on with life. But, if the US government does not settle this case properly to directly protect the consumer, then millions of taxpayers money spent and the hard work of the civil servants are lost. Due to lack of choice, Microsoft has bullied its way into the computer industry as integral part with billions extremely dependant on its products. Nothing can be done now to level the playing field, and the actions of the settlement does little to alleviate this. Therefore, provisions have to be set in place in order to protect consumers and businesses from high pricing and unchecked licensing schemes since competition cannot be restored.

From my personal viewpoint, this settlement does little to reflect the efforts of the civil servants involved in the case. It upsets me that stall tactics can derail justice. For this case to go this far and last thing long after finding the company guilty, the terms of the settlement does very little and disheartens this

American citizen of the integrity of the judicial system.